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Title 07 DEPARTMENT OF HUMAN RESOURCES Subtitle 02 SOCIAL SERVICES ADMINISTRATION

07.02.29 Guardianship Assistance Program

Authority: Family Law Article, §5-525; Courts and Judicial Proceedings Article, §3-819.2; Annotated Code of Maryland
(Agency Note: Federal Statutory Reference—42 U.S.C. §673(d))

Notice of Proposed Action

[15-029-P]

The Secretary of Human Resources proposes to amend existing Regulations **.02 — .08** and **.10** under **COMAR 07.02.29 Guardianship Assistance Program**.

Statement of Purpose

The purpose of this action is to strengthen the language used for eligibility of the Guardianship Assistance Program. The changes will include altering the definition of “relative” to reflect the current definition and additional specific language concerning the child residing with the relative caregiver for the last 6 consecutive months. The changes in these regulations clarify that nonrecurring expenses are only available for youth that are IV-E eligible. In addition, an increase in the amount of the monthly guardianship assistance payment can only be made with the approval of the Social Services Administration.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Andrea Shuck, Regulations Coordinator, Department of Human Resources, 301 W. Saratoga St., Room 265, Baltimore, MD 21201, or call 410-767-2149, or email to andrea.shuck@maryland.gov, or fax to 410-333-0637. Comments will be accepted through February 9, 2015. A public hearing has not been scheduled.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (10) (text unchanged)

(11) “Relative” means an adult who is at least [21] 18 years old, [or is at least 18 years old and married to an adult who is at least 21 years old,] and who is:

(a) — (b) (text unchanged)

(12) — (17) (text unchanged)

.03 General Requirements.

A. Both the child and the relative caregiver shall meet the eligibility requirements stated in Regulations .04 and .05 of this chapter, respectively; and

(1) The child shall be placed with the relative caregiver for at least *the last* 6 consecutive months prior to the establishment of a guardianship assistance; and

(2) The relative caregiver home shall be approved as a resource home or kinship *care* home for *the last* 6 consecutive months in which the child resided with the relative caregiver.

B. — D. (text unchanged)

.04 General Eligibility Requirements for Child.

A. A child committed to a local department or under a voluntary placement agreement with a local department shall be eligible for consideration to participate when:

(1) (text unchanged)

(2) The child has resided with the relative caregiver for *the last* 6 consecutive months;

(3) — (6) (text unchanged)

B. (text unchanged)

.05 General Eligibility Requirements for Relative Caregiver.

A. To be eligible for the guardianship assistance program, the relative caregiver shall:

(1) (text unchanged)

(2) Be an approved resource or formal kinship *care* home with the child in the placement for *the last* 6 consecutive months; and

(3) (text unchanged)

B. The relative caregiver shall:

(1) — (2) (text unchanged)

(3) Meet all the requirements of approval for a resource home or kinship *care* home as set forth in COMAR 07.02.25.

C. — D (text unchanged)

.06 Title IV-E Guardianship Assistance Eligibility Criteria.

A. (text unchanged)

B. Child Eligibility.

(1) To be eligible for the Title IV-E guardianship assistance payment, the child shall be under 18 years old, except as stated in §B(2) or (3) of this regulation, and the child shall:

(a) (text unchanged)

(b) Have been eligible for Title IV-E foster care maintenance payments for *the last* 6 consecutive month period during which the child resided in the home of the relative caregiver.

(2) — (4) (text unchanged)

C. — D. (text unchanged)

.07 State Guardianship Assistance Eligibility Criteria.

A. (text unchanged)

B. Child Eligibility.

(1) Except as stated in §B(2) of this regulation, the child shall be under the age of 18 years old and shall:

(a) (text unchanged)

(b) Have resided with the relative caregiver in a kinship care placement as set forth in COMAR 07.02.25 for *the last* 6 consecutive months.

(2) A youth that has been determined to be eligible and receiving guardianship *assistance* payment under §B or C of Regulation .06 of this chapter for the Title IV-E guardianship assistance payment shall be deemed eligible for the State guardianship payment beginning at the age of 18 if:

(a) — (c) (text unchanged)

C. (text unchanged).

.08 Responsibilities of the Local Department.

A. (text unchanged)

B. The local department shall negotiate and enter into a guardianship assistance agreement with the relative caregiver.

(1) The agreement shall specify;

(a) —(d) (text unchanged)

(e) [That] *For a IV-E eligible child, that* the State shall pay the total cost of nonrecurring expenses associated with obtaining legal guardianship of the child, not to exceed \$2,000;

(f) — (l) (text unchanged)

(2) — (4) (text unchanged)

C. — G. (text unchanged)

.10 Guardianship Assistance Benefits.

A. The local department shall negotiate the monthly assistance amount for each eligible child or sibling.

(1) — (3) (text unchanged)

(4) *Any adjustment must be approved by the Social Services Administration prior to the signing of a new guardianship assistance agreement.*

B. (text unchanged)

C. [The] *For a IV-E eligible child, the* local department shall provide a one-time only payment for nonrecurring expenses related to cost associated with obtaining legal guardianship up to a maximum of \$2,000.

(1) — (5) (text unchanged)

D. — E. (text unchanged)

TED DALLAS
Secretary of Human Resources